

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-18870 - APPLICANT: LANDBARON INVESTMENTS -
OWNER: MONTECITO IMAGING LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (VAR-19208).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/20/06, except as amended by conditions herein.
4. Waivers shall be granted in the Town Center Development Standards listed as follows:
 - a. No landscape fingers in the south parking lot where one is required.
 - b. A 38 percent build-to-line where 80 percent build-to-line is required on the Town Center Urban Core portion of the site.
5. All development shall be in conformance with the Montecito Development Agreement, the Montecito Town Center Land Use and Design Standards, and the Town Center Development Standards Manual, except as amended by conditions herein.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Per Montecito Town Center Development Standards, the landscape plan dated 11/20/06 must be modified to exclude Mediterranean Fan Palm and include a tree listed Appendix B: Plant Palettes.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A Master Sign Plan shall be submitted for approval of the Centennial Hills Architectural Review Committee—Town Center (CHARC-TC) prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
16. Additional landscaping on the east side, 36 inch box trees, 20 feet on center.
17. No 24 hour uses.

Public Works

18. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
19. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
20. Site development to comply with all applicable conditions of approval for the Montecito Lifestyles Center commercial subdivision and all other site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 150,000 square-foot, 12-story office building with a five-level parking structure and a Waiver of Town Center Core Build-to-Line Requirements on 3.27 acres. Pursuant to Title 19.08.060 Residential Adjacency Standards the proposal does not meet the required setback for a 196.5 foot tall building and requires a Variance (VAR-19208). Since the Variance request is a self-imposed hardship, denial is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) for this site as part of a larger request. The Planning Commission recommended approval on 11/05/98.
12/19/01	The City Council approved a request for a Site Development Plan Review [Z-0076-98(24)] for a proposed 361,560 square-foot retail commercial center on 38.78 acres adjacent to the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. The Planning Commission recommended approval 11/01/01.
02/06/02	The City Council approved a request for a Master Sign Plan (MSP-0013-01) for the Montecito Town Center on 38.78 acres on the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. The Planning Commission recommended approval on 12/20/01.
03/06/02	The City Council approved a request for a Development Agreement (DA-0002-01) to establish a set of development standards for portions of the UC-TC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center) land use districts within the Town Center Zoning District on 172.46 acres of property generally located north of Centennial Parkway, west of Durango Drive, south of Elkhorn Road, and east of El Capitan Way. The Planning Commission recommended approval on 01/10/02.
03/14/02	The Planning Commission approved a request for a Tentative Map (TM-0007-02) for one lot on 38.78 acres on the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. This was a final action by the Planning Commission.

08/23/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0076-98(34)] for a proposed 344,120 square-foot retail commercial center on 39.5 acres adjacent to the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2478) and Special Use Permit (SUP-2478) for a 5,000 square-foot tavern adjacent to the south side of Deer Springs Way, approximately 500 feet east of Durango Drive. Planning Commission and staff recommended approval. The site was never built; therefore, the approval has expired.
02/08/07	The Planning Commission recommended approval of companion item VAR-19208 concurrently with this application. The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #27/jm).
<i>Pre-Application Meeting</i>	
12/14/06	A pre-application was held with the applicant. The applicant was informed that they would need to apply for a Site Development Plan Review. The applicant was also informed that the application would need to comply with Montecito Town Center, Town Center and Title 19 Development Standards. In addition, Building and Safety discussed building code standards for high-rise buildings.
<i>Neighborhood Meeting</i>	
1/24/07	A neighborhood meeting was held at the Centennial Academy at 6610 Grand Montecito Parkway at 6 PM and no members of the public attended.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.27

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
North	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
South	Commercial	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
East	Single Family Residential	MS-TC (Main Street Mixed Use - Town Center)	T-C (Town Center)
West	Restaurant/Bar	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		N*
Montecito Town Center	X		N*
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

* This project does not comply with the Town Center & Montecito Town Center residential standards, which is being addressed via VAR-19208.

DEVELOPMENT STANDARDS

Pursuant to Town Center Development Standards and Montecito Development Agreement Standards the following apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Max. Site Coverage	60%	46%	Y
Min. Setbacks			
• Front	0-15 Feet	15 Feet	Y
• Side	10 Feet	89.1 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	181.1 Feet	Y
Max. Building Height	500 Feet	12 stories 196.5 feet	Y
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Yes	Yes	Y

Pursuant to Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	590 Feet	80 Feet	N

**A Variance (VAR-19208) is required as the proposal does not meet residential adjacency standards.*

Pursuant to Town Center and Montecito Town Center Development Standards,, the following landscape standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	12 Trees	14 Trees	Y
Amenity Zone Buffer: Min. Trees	1 Tree/ 30 Linear Feet	25 Trees	28 Trees*	Y
TOTAL		27 Trees	32 Trees#	Y

*Mediterranean Fan Palm is not permitted in the Montecito Town Center Standards Manual.
#73 total trees on-site.

<i>Open Space – Montecito Town Center per 5.1.7</i>					
<i>Total Acreage</i>	<i>SF Required</i>	<i>Percent Required</i>	<i>SF Provided</i>	<i>Provided</i>	<i>Compliance</i>
3.27	28,488 SF	20%	38,459 SF	27%	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Medical	100,000 SF	1/200 up to 2,000 SF, plus 1 space for each addition 175 SF	570	15			
Office	50,000 SF	1/300	167				
SubTotal			722	15	755		
TOTAL			737	15	755	16	Y
Loading Spaces			4		4		Y

Waivers		
Request	Requirement	Staff Recommendation
Town Center Build-to-Line Standards	Town Center Build-to-Line Standards require up to 80 percent of the building edge within the Town Center Core Zone to be built to the setback lines.	Approval
Landscape Fingers	1 per 6 parking spaces	This waiver is not supported as the applicant is providing eighteen parking spaces more than required for the proposed project. The applicant would have the room to accommodate the fingers.

ANALYSIS

- Zoning

The subject site is currently zoned T-C (Town Center) with a UC-TC (Urban Center Mixed Use - Town Center) General Plan designation. While these designations have been applied through the Centennial Hills Sector Plan of the General Plan and are reflected in the Town Center Development Standards Manual, the UC-TC land use designation is superseded by the Montecito Town Center Master Development Plan, which designates that area as a portion of the “Montecito Town Center Mixed Use Commercial Area.” Where the Montecito Town Center Land Use and Design Standards are silent, the Town Center Development Standards Manual applies.

In addition, pursuant to section 3.3 of the Montecito Development Agreement:

Except as provided below, no standard or regulation regarding subdivision, land use, zoning, growth management, time and phasing of construction, or construction methods shall be imposed by the City upon the development of the Project, except those in effect on May 1, 2002, the effective date.

The proposed Medical and Professional Office uses are within the range of uses permitted within the Montecito Town Center Mixed Use Commercial Area designation.

- Development Standards

Development Standards for projects located within the Montecito Town Center Master Development Plan area are set out in the Development Agreement and Sections 3 through 5 of the Montecito Town Center Land Use and Design Standards Appendix to the Development Agreement. Development Standards within the remainder of the project are set forth in the Town Center Development Standards Manual. The following Development Standards are proposed for the subject project:

Montecito Town Center

The Montecito Development Agreement limits the amount of office, medical, retail and/or hotel floor area in Montecito Town Center to 4,520,833 square feet. The Montecito portion of the proposed project will bring the total of all existing and proposed office, medical, retail and hotel space to 2,264,494 square feet. The project stays well under the required caps.

The lot coverage standard is a maximum of 60 percent of the gross site area. The site plans indicate 46 percent coverage, based on net acreage. Given this figure, the gross lot coverage standard will be satisfied.

According to the Montecito Development Agreement, buildings within the plan area shall not exceed 500 feet in height. The Office building height is 196.5 feet and the parking structure is 38.75 feet. Both meet the height standard.

Service areas, docks and truck loading areas shall be screened and located away from public view. Trash enclosures shall be enclosed on three sides by a six-foot masonry wall, have an opaque gate on the fourth side, and contain a roof or trellis.

Building massing shall possess a balance and composition. Avoid large, unarticulated building elevations, and undifferentiated walls. The building mass shows balance with articulated and differentiated wall composition.

Projects with over 20,000 square feet of building shall provide an on-site outdoor employee patio area which is separate and removed from the main building entry. On the east side of the office building, the applicant has allocated approximately 4,800 square feet of courtyard space.

Town Center Development Standards

Setbacks are based on the standards for the Town Center Arterial street classifications as set forth in the Town Center Development Standards Manual. Setbacks within the Montecito Town Center Plan shall meet or exceed the standards shown in the Town Center Development Standards Manual. Deer Springs Way is designated a Town Center Arterial Street with a maximum setback of 15 feet. Riley Street is classified a Town Center Collector, with no required setback. This project meets the 15-foot maximum setback requirement for both Town Center and Montecito Town Center.

Stepback and build-to line requirements are set forth in the Town Center Development Standards Manual. Stepback requirements are intended to provide visually interesting building elevations, reduce street canyon effect, and lessen the effect of strong winds at the street level. The development encompasses the Town Center Urban Zone and Town Center Core areas as described in Section D.1.C. The office building is in the Town Center Urban Core Zone, which requires a stepback of eight feet. The proposed building meets the stepback requirements for high-rise buildings within the Town Center Urban Core Zone.

Town Center Build-to-Line Standards require up to 80 percent of the building edge within the Town Center Core Zone to be built to the setback lines. This encompasses 325 feet, or half of the proposed parcel. The eastern half of the parcel is in the Town Center Urban Core Zone and does not require a building to be built to the setback lines. The office building total feet built to the setback line is 125 feet, 38 percent build-to-line. Therefore, the proposed development does not meet the residential adjacency standards and requires a waiver.

Town Center Development Standards require walls on primary pedestrian routes to have a minimum of 70% clear glazing at ground level; glazing shall not exceed 75% of building elevation and dark tinted glass is prohibited. In addition, doorways, porticoes, or other entryways shall occur every 50 feet of building façade that fronts on a street or plaza area. The elevations and site plans demonstrate that the proposed development meets these standards.

Title 19 Standards

Pursuant to Title 19.08.060 Residential Adjacency Standards, a 196.5 tall building adjacent to residential “protected” property requires a setback of 590 feet. The building is set back 382 feet from the residential property. Therefore, the proposal does not meet the required setback for a 196.5 foot tall building and requires a Variance. A Variance (VAR-19208) has been submitted as a companion item with this application.

On 08/06/03, the residential “protected” property to the east of the proposed development was approved by City Council for a Site Development Plan Review for a proposed three-story, 320-unit multi-family residential development. On 11/20/03, three months later, the property was approved by City Council for a Site Development Plan Review for a 193-unit single-family residential development. The single-family residential was developed on the property which pursuant to Title 19.08.060 Residential Adjacency Standards defines it as “protected.”

- Site Plan

The site plan illustrates a 150,000 square-foot office building and five-level parking structure with a subterranean level on a 3.27 acre parcel. The office building is situated in the western half of the parcel. An open parking lot to the west of the office building is accessed from a landscaped entrance plaza. A parking garage to the east of the office is accessed from a pedestrian courtyard.

The site plan depicts multiple driveway accesses to the open parking lot and the parking garage from internal circulation drives provided by the existing shopping center. No direct access is provided to Deer Springs Way or Riley Street from the parcel.

- Waivers

The applicant is requesting a Waiver of Town Center Core Build-to-Line requirement. In addition, the applicant requests a Waiver of Town Center Development Standards which require one landscape finger per six parking spaces. This waiver is not supported as the applicant is providing eighteen parking spaces more than required for the proposed project. The applicant would have the room to accommodate the fingers.

- Landscape Plan

Landscape standards in both Montecito Town Center and the entire Town Center area must conform to the standards set forth in the Town Center Development Standards Manual, except where special street designs are established. Deer Springs Way shall conform to Town Center Arterial landscaping standards, while Riley Street shall conform to Town Center Collector landscaping standards. Streets having a special design will have modified standards according to the submitted plans, if approved.

Landscape materials within the Montecito portion must adhere to the Montecito Town Center Plant Palette (Appendix B of the Standards). The applicant shows Mediterranean Fan Palm on their landscape plan. This is not permitted in the Montecito Town Center Standards Manual and a condition has been added to comply with the Montecito Town Center Standards Manual.

- Elevation

The office building portion of the project will be enclosed, except for the pedestrian area between the office building and the parking garage. The elevations depict a 196.5-foot high office building with walls stepped back eight feet per Town Center Development Standards.

The exterior of the office building varies in material and composition. The first 45 feet of office is covered in stone veneer and has a painted horizontal metal sunshade. Above 45 feet, the building is covered in three light brown precast panels, aluminum storefront with insulated tinted glazing, glass, and painted horizontal metal sunshade. The parking structure utilizes desert colors and stone veneer to ascent its exterior.

- Floor Plan

Floor plans depict each level of the parking garage and office floors. Office space, bathrooms, electrical and mechanical equipment are designated on each of the 12 stories. In addition, the four floors of the parking garage depict parking spaces, handicap spaces, and ingress and egress for each floor.

FINDINGS

The following findings must be made for an SDR:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed 12-story, 196.5-foot office building does not fit in with the existing adjacent commercial and single-family residential development in the area. The 196.5-foot tall office building does not meet Residential Adjacency Standards which could cause a potential negative impact to the existing residential areas to the east.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development is consistent with the design requirements of the Montecito Town Center Master Development Plan and generally meets the design standards of Town Center. A Waiver of Town Center Build-to-Line Standard is required. However, pursuant to Title 19.08.060 Residential Adjacency Standards the proposal does not meet the required setback for a 196.5 foot tall building and requires a Variance. Since the Variance request is a self-imposed hardship, denial is recommended.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site is served by Deer Springs Way, an 80-foot Town Center Arterial, and Riley Street, an 80 foot Town Center Collector. Site access and circulation does not negatively impact adjacent roadways or neighborhood traffic.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The landscape plan calls for Mediterranean Fan Palm Trees which is not permitted in the Montecito Town Center Standards Manual. A condition has been added to bring the landscape plan to code. Otherwise, building materials and colors meet the design requirements of the Montecito Town Center Master Development Plan and the Town Center Development Standards Manual.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposal does not meet Residential Adjacency Standards; therefore, this project would not be harmonious with existing and future development in the area. Denial is recommended.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed office building and parking garage will be subject to regular City inspections for licensing and will, therefore, not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 16 and 17.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 178 by Planning Department

APPROVALS 0

PROTESTS 1